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SUMMARY RECORD OF THE 3rd MEETING

Chairman: Mr. CISSE (Senegal)

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The meeting was called to order at 10.25 a.m.

STATEMENT BY THE UNDER-SECRETARY-GENERAL FOR POLICY COORDINATION AND SUSTAINABLE DEVELOPMENT

1. Mr. DESAI (Under-Secretary-General for Coordination and Sustainable Development) said that international cooperation for development must be based on shared goals, mutual interests and reciprocal commitments. The political processes of the United Nations in the economic and social fields played a crucial role in that regard. The Second Preparatory Committee for the World Summit for Social Development had made significant progress towards achieving agreement on the declaration and programme of action to be adopted. There was high-level participation from various Governments and a growing number of commitments on the part of heads of Government or State to attend. The substantive issues - poverty, unemployment, and social integration - were at the heart of every country's political agenda. The Summit was therefore an occasion to strengthen the commitment to address those issues at the national and international level and raise the priority given to them in decision-making.

2. National arrangements were necessary to ensure that government departments followed a coordinated approach to the inherently multisectoral agenda, that they involve non-governmental organizations and civil society and provided a platform for raising awareness. That was happening in many countries, but more needed to be done. The Summit provided an opportunity for bringing together non-governmental organizations and the more established organizations of civil society, such as trade unions, cooperatives, teachers' organizations and religious groups in support of a unified platform for social progress. The NGO response has been encouraging; he was gratified because the consolidation of NGO movements might be one of the most valuable outcomes of the Summit processes.

3. The Summit would focus on long-standing and endemic problems and was part of the ongoing evaluation of a shared perception of development, which included recognition of the importance of economic growth and macroeconomic stability, the importance of the way in which growth and stability were achieved, a special focus on the individual as the agent and purpose of development, and an emphasis on empowerment, participation and inclusiveness.

4. The Summit was concerned with people's involvement in their societies and closely linked to ongoing activities of empowerment aimed at improving the status of women, integrating disadvantaged groups by ensuring equal opportunities, and encouraging participation in the development and maintenance of democratic institutions. Current work focused on strategies and measures to promote an enabling environment for the development of disadvantaged and marginalized social groups and on institutional arrangements for broad-based participatory development. Cooperatives represented an effective mechanism in that regard, especially among groups that were not in the development mainstream.

5. The forthcoming International Conference on Families was of special significance for the emerging development agenda. It was a further expression of the importance that the international community attached to the family as the basic social unit and would serve to highlight the substantive links between families and all the components of the development agenda. Most of all, the Conference was vital in order to provide direction for a plan of action on families, which the General Assembly had requested the Secretary-General to submit at its fiftieth session.

6. Recent world conferences had emphasized equality between women and men and the role of women in development. The Fourth World Conference on Women to be held in Beijing would focus on how to ensure greater access by women to education and training, appropriate health care, credit and decision-making and on steps for creating an enabling environment in which women could play their full and equal role and would also examine the changes required to allocate the needed resources to make recommendations a reality. The Beijing Conference would therefore be an implementation conference. Its final document should be concise and action-oriented and should set priorities and be accessible to women and men at all levels of society.

7. A commitment by the international community to the goals of the forthcoming conferences implied a new approach to resource allocation and a renewed sense of priority for development focusing on the individual. Achievement of those goals provided the best opportunity for securing the full integration of economic and social policy at the national and international level. The task of the Third Committee was to ensure that that opportunity was used effectively in order to advance the agenda that it had pursued for so many years.

ORGANIZATION OF WORK

8. The CHAIRMAN said that at the informal meeting on 4 October the delegation of Mexico had noted that the report requested under resolution 1994/64 of the Commission on Human Rights, entitled "Measures to combat contemporary forms of racism, racial discrimination, xenophobia and related intolerance", was not before the Committee under agenda item 93. Subsequently, the Centre for Human Rights had acknowledged that, through an oversight, a decision on the resolution had not been submitted to the Economic and Social Council for action. In order to rectify the error, the Bureau proposed the following. The Secretariat would issue a note, as a Council document, indicating that the decision by the Council endorsing resolution 1994/64 has been inadvertently omitted from the part of the Commission's report requiring action by the Council. At its resumed session on 3 and 4 November, the Council would be requested to take up its agenda item 5 again in order to deal with the recommendation of the Commission.

9. Once the Council took that action, the Third Committee would be able to receive the interim report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance. Therefore, agenda item 93 would remain open after the Committee finished its discussion on it on 17 October. Consideration of the item and, specifically, the interim

report of the Special Rapporteur would resume for one meeting in November. He took it that the Committee wished to follow that procedure.

10. It was so decided.

AGENDA ITEM 93: ELIMINATION OF RACISM AND RACIAL DISCRIMINATION (A/49/18 (Supplement No. 18), A/49/287-/S/1994/894, A/49/403, 404, 462 and 464)

AGENDA ITEM 94: RIGHT OF PEOPLES TO SELF-DETERMINATION (A/49/271, A/49/287-S/1994/894, A/49/312, 331, 362, 381 and 402)

11. Mr. CISSÉ (Centre for Human Rights) said that the elimination of racism and racial discrimination was indissolubly linked to maintaining international peace and improving the living conditions of individuals and peoples. In spite of the recent dismantling of apartheid, current manifestations of racism and racial discrimination remained a cause for concern in view of the resurgence of racist ideologies, ethnic hatred and intolerance. Among its international activities in implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination, the Centre for Human Rights was endeavouring to coordinate its work with the various specialized agencies concerned, including UNESCO, the ILO, WHO and UNDP. In January 1994, the Centre had organized an inter-agency meeting with representatives of those agencies in order to consider the modalities for implementing the Programme of Action in their specific fields of specialization.

12. In order to benefit from the support of non-governmental organizations in that effort, the Centre had also organized, in February 1994, a consultation meeting with the Non-Governmental Organizations Subcommittee on Racism, Racial Discrimination, Apartheid and Decolonization and had proposed that non-governmental organizations should establish a national committee to plan and carry out activities related to the Third Decade. In accordance with the plan of activities to be carried out starting in 1995, and during the first third of the Third Decade (1994-1997), the Centre, with the support of Governments, specialized agencies and non-governmental organizations would organize seminars and prepare basic studies on the legal aspects of combating racism and racial discrimination as well as the economic, sociological and political roots of those phenomena.

13. In order to ensure success, the activities planned by the Organization should be supplemented at the regional level with the assistance of credible and active partners. The partnership between the Centre and the Council of Europe was a clear demonstration of such cooperation in combating the propagation of racism, anti-semitism, xenophobia and nationalism. The activities being undertaken by the Council of Europe responded perfectly to the objectives laid down for the Third Decade and it was hoped that similar partnerships could be established with other regional intergovernmental organizations. It was obvious that the implementation of the Programme of Action would depend on the resources made available. In that connection, he stressed the need to give particular attention to the Trust Fund for the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination.

14. The right of peoples to self-determination was undoubtedly one of the pillars of the international human rights order and had been repeatedly reaffirmed in General Assembly resolutions. The Commission on Human Rights closely followed the general aspects of respect for self-determination and its impact on the enjoyment of human rights and had dealt with a number of specific situations in which the exercise of the right to self-determination was a matter of concern. The Commission had considered the situations in occupied Palestine and Western Sahara at its fiftieth session, which were dealt with in the relevant report by the Secretary-General before the Committee (A/49/402, para. 6).

15. Mr. BALLESTEROS (Peru), Special Rapporteur on the question of the use of mercenaries, introduced the report on the question of the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination (A/49/362).

16. General Assembly resolution 48/92 had reaffirmed that the use of mercenaries and their recruitment violated the purposes and principles enshrined in the Charter of the United Nations, and had denounced any State that persisted in, permitted or tolerated the recruitment of mercenaries and provided facilities to them, and had urged States to take the necessary steps and to exercise the utmost vigilance against the menace posed by the activities of mercenaries to ensure, by both legislative and administrative measures, that neither their territory nor their nationals were used for any form of mercenary activity.

17. The Assembly had also requested the Centre for Human Rights, within the framework of its existing resources, to organize working meetings to analyse the legal, political and philosophical aspects of that issue. The Commission on Human Rights had adopted resolution 1994/7, which reaffirmed the condemnation of mercenaries and urged States to prevent their activities and to cooperate with the Special Rapporteur in the fulfilment of his mandate.

18. During the past year his activities had been designed to give effect to General Assembly resolution 48/92, in particular by holding coordination meetings with the Centre for Human Rights in accordance with paragraph 9 of that resolution.

19. Unfortunately, the Centre for Human Rights had been unable to implement the provisions of that paragraph for lack of the necessary financial and budgetary resources. He considered, however, that a recommendation should be made to the General Assembly, given the persistence of mercenarism, which was often concealed behind legal formulas and procedures that were designed to conceal the mercenary's true identity and nationality, and cases of simultaneous use of dual or multiple nationality. A meeting between the Special Rapporteur and specialists on that topic could significantly advance the process of further defining the typology of mercenaries, the nature of their activities, the reliability of third parties and the scope of legal concepts on the grant of nationality and cases of double and multiple nationality resorted to by mercenaries to avoid their being identified as such. That would contribute to

the proposal of solutions designed to achieve a drastic reduction in mercenary activities.

20. Paragraphs 9 to 15 of the report concerned correspondence sent and received by the Special Rapporteur. For the most part, it concerned information from Member States on their domestic legislation designed to prevent the activities of mercenaries and their position with regard to the approval or ratification of, or accession to, the International Convention Against the Recruitment, Use, Financing and Training of Mercenaries.

21. The correspondence also included allegations of mercenary activities, in particular a complaint from India concerning alleged mercenary activities in Jammu and Kashmir and the reply to those allegations sent to the Special Rapporteur by the Permanent Mission of Pakistan to the United Nations Office at Geneva.

22. Those communications and also other documentation that had recently been received were being carefully studied and he gave an assurance that that delicate matter would be rigorously, objectively and impartially analysed.

23. The correspondence received from States and from international and non-governmental organizations indicated that no major change in activities of mercenaries had occurred during the past year. The tendency was, unfortunately, for illicit international activities involving mercenaries to become more extensive.

24. Such activity occurred generally, although not exclusively, in connection with international or internal armed conflicts where some or all of the parties involved had recourse to mercenaries to carry out their military strategy. Although mercenary activity continued on a large scale in various armed conflicts, the recent re-emergence of the phenomenon had occurred in armed conflicts arising in connection with a people's right to self-determination. From the 1960s onwards, in the context of the decolonization of Africa, bands of mercenaries had been used by the colonial interests which wanted to remain in the region, or which subsequently wished to impose the policy of apartheid or to destabilize constitutional Governments.

25. Mercenaries continued to be active in various parts of the African continent, as well as in other regions in the context of the end of the cold war and the emergence of new States that had invoked their right to self-determination and to international recognition of their freedom, sovereignty and independence. That matter, together with questions of the cooperation of States in preventing activities of mercenaries, were dealt with in paragraphs 19 to 30 of the report.

26. Section IV of the report referred, in particular, to mercenary activities that hindered the self-determination of African peoples. One particularly serious case was that of Angola which had for years been suffering the effects of an internal conflict in which UNITA had made extensive use of mercenaries, most of them, according to information received, from South Africa, Namibia and Zaire. There could be no doubt that the effect of their continued presence in

that country was to prolong the conflict and to increase the suffering of the Angolan people. He reaffirmed his willingness to collaborate in efforts to end the fighting in Angola and stated his conviction that the withdrawal of all mercenaries from that country would be an important step towards the attainment of peace.

27. The report included a reference to the serious problems affecting Rwanda (paras. 44 to 51). It had been reported in the press that the attack against the aircraft that had caused the death of the Presidents of Rwanda and of Burundi, and had given rise to a resurgence of fighting and massacres on a large scale, had been carefully prepared and carried out by two white mercenaries whose nationality had not been clearly identified and who had presumably been specially contracted to carry out the operation.

28. He reiterated his condemnation of the crimes that had afflicted Rwanda and said that his obligation as Special Rapporteur was to ascertain whether mercenaries had participated in the attack on the aircraft and in the military, paramilitary and militia groups that had committed the massacres. Those issues must be fully investigated and it must be established who had been involved and who had given the orders and provided funding.

29. Paragraphs 54 to 79 of the report concerned allegations of the presence of mercenaries in the territory of the former Yugoslavia and in the armed conflicts in States formerly belonging to the Soviet Union, specifically the area of Nagorny Karabakh between Armenia and Azerbaijan, in Georgia, Moldova and Tajikistan. In all those cases the participation of mercenaries supporting one or other of the parties to the conflict had been confirmed. However, the practice of describing the people involved as "volunteers" or as sympathizers on grounds of ethnic, religious or cultural affinity made it essential to investigate allegations of the involvement of mercenaries fully so as to avoid any camouflaging of mercenary activities and to put an end to such practices.

30. Since the completion of the report he had visited Croatia and Yugoslavia, at the invitation of those States, in the context of his investigations into allegations concerning the presence of mercenaries in the armed conflicts taking place in the territories of the former Yugoslavia.

31. The abundant information he had obtained as a result of his own observations and the numerous interviews he had held would later be exhaustively analysed and submitted in a substantive, objective and impartial report to the Commission on Human Rights at its fifty-first session.

32. Without wishing to prejudge the conclusions of his analysis, he said that, for a number of reasons, some of them probably altruistic, foreigners had undeniably taken part in the armed conflict affecting the territory and peoples of the former Yugoslavia. However, there was little reason to doubt that some of them had been involved as mercenaries. Other foreigners who had not participated as mercenaries appeared to have been actively involved in the conflicts for reasons of ethnic or religious solidarity and had been responsible for acts of the utmost barbarity. That would seem to support the view that, whatever their status, irregular foreigners involved in those conflicts had

given an impetus to the hostilities without having any interest in the need to seek peace.

32. In conclusion, he expressed the hope that the efforts of the United Nations to put an end to mercenary activities would prove successful and that the respect for life, human rights and peace would continue to illuminate the work of the Organization.

34. Graf zu RANTZAU (Germany), speaking on behalf of the European Union and Austria on agenda items 93 and 94, began by congratulating South Africa on the defeat of apartheid and commending it for the spirit of reconciliation that prevailed among its people and for the statesmanship shown by its political leaders.

35. Although the struggle against apartheid had been won, racism and racial discrimination lived on in many forms throughout the world. The European Union had always been vehemently opposed to all forms of racism and racial discrimination and the legal order of the countries forming the Union was based on such principles as the equality and dignity of every human being without distinction on grounds of race, colour, descent, national or ethnic origin.

36. The European Union was appalled by the crimes now being committed in the name of so-called racial or ethnic purity in the conflict zones of the former Yugoslavia and welcomed the action of the Security Council to establish an international jurisdiction to bring to justice those accused of serious violations of international humanitarian law in the former Yugoslavia. The members of the Union were also extremely concerned about the situation in Rwanda and by the abhorrent breaches of human rights and humanitarian law and the genocide that had occurred there and looked forward to early action by the Security Council to ensure that those responsible were brought to justice before an international court. The Union noted in that connection the cooperative attitude adopted by the present Government of Rwanda.

37. In some countries, manifestations of racial discrimination, intolerance, xenophobia and racially motivated violence might occur not as government policy but as the deeds of individuals or groups of individuals. That had also occurred in the countries of the Union in recent years and filled the vast majority of the people of the States concerned with horror and shame. It was the responsibility of Governments to work to eliminate such behaviour; the fight against discrimination in all its forms was essential for the preservation and promotion of the European Union as a community of States governed by the rule of law.

38. At their meeting in Corfu in June 1994, the heads of State and Government of the European Union had decided to elaborate an overall strategy to combat racist and xenophobic acts of violence. Those measures were intended to complement related activities undertaken by the Conference on Security and Cooperation in Europe and by the Council of Europe. It was particularly gratifying that the High Commissioner for Human Rights, who had recently visited certain countries of the European Union, had explicitly welcomed the decisions reached in Corfu.

39. The member countries of the European Union also cooperated closely with specific mechanisms established by the United Nations to deal with racism, racial discrimination and related intolerance. The States of the Union deemed it good policy to take action in their own countries and to cooperate fully with the existing monitoring mechanisms in line with the affirmation contained in the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination to the effect that national action was the most meaningful contribution States could make to the elimination of racial discrimination.

40. While the enactment and implementation of strict legislation against racism and discrimination and the active prosecution of persons accused of racist crimes were an essential part of any anti-racist strategy, preventive action notably through educational efforts, was of equal importance. It was most appropriate to stress that fact at the outset of the Decade on Human Rights Education and the International Year for Tolerance. The European Union also wished to invite all States that had not yet done so to become parties to the Convention on the Elimination of All Forms of Racial Discrimination.

41. The culture of tolerance implied a respect for difference as a means of facilitating integration and could only become a reality if people's feelings of envy, suspicion or contempt were replaced by the acceptance of differences and the conviction that diversity enriched and strengthened the fabric of society as a whole.

42. Turning to agenda item 94, he said that the European Union reaffirmed its full recognition of the fundamental right to self-determination enshrined in the United Nations Charter and in the international covenants of 1966, and reaffirmed in the Vienna Declaration and Plan of Action of the World Conference on Human Rights. The Union considered that the denial of the right of peoples freely to determine their political status and freely to pursue their economic, social and cultural development was a human rights violation. The exercise of that right was intrinsically linked to the enjoyment of other human rights, notably the right to freedom of expression and to freedom of peaceful assembly and association. To be able to determine their destiny effectively, everybody must be able to take part in the conduct of public affairs, to have access to public service and to vote and be elected at genuine periodic elections by universal and equal suffrage in accordance with the provisions of the relevant international legal instruments. In that context, democratic and representative political structures, including a special sensitivity to the rights of minorities, could be of paramount importance in warding off any potential conflict between the right to self-determination and the territorial integrity of sovereign and independent States.

43. The Union welcomed the headway made by the right to self-determination in many parts of the world, notably in Africa and Latin America. In Mozambique, the Union hoped that the forthcoming general elections would be free and fair and would set the framework for a process of full democratization throughout that country.

44. Instances of the denial of the right to self-determination through dictatorship, through electoral fraud, through the lack of respect for electoral

results or through the refusal to hold elections ran counter to the global trend towards democratization and were a matter for deep concern. The forthcoming restoration of the constitutional order and the return of the legitimate authorities in Haiti was to be welcomed, and the European Union would assist that country to rebuild civil life and the economy. By contrast, in Myanmar the authorities had still not responded to the international community's call to respect the results of the 1990 elections.

45. The Union welcomed the progress already achieved in the Middle East peace process, in particular the agreements concluded between Israel and the Palestinians, and between Israel and Jordan, as well as the ongoing discussions on solutions to the problems between Israel and the Syrian Arab Republic. The Union hoped that the outstanding differences between the Israeli and Palestinian sides on the modalities of the first democratic elections in the Palestinian territories would soon be resolved. As a testimony of its commitment to that process, the Union was contributing substantially to the preparation of those elections through community and bilateral funds.

46. In Western Sahara, the Union called upon both parties to refrain from any action that would hinder the holding of a free and fair referendum as soon as possible for the exercise of the right to self-determination of the people of the Western Sahara.

47. The Union encouraged all efforts aimed at reaching a just, comprehensive and internationally acceptable settlement to the question of East Timor, with full respect for the legitimate interests and aspirations of the East Timorese people, in conformity with the principles embodied in the Charter of the United Nations.

48. In conclusion, he said that the problems he had addressed on behalf of the European Union - the quest for dignity, for non-discrimination and for the free determination of one's own destiny - were problems of a global nature, vital for peace and for the well-being of humanity. The European Union hoped that resolutions introduced under items 93 and 94 of the agenda would be fair reflections of those constantly evolving problems, thus enabling the General Assembly to adopt them by consensus.

49. Mr. SAHRAOUI (Algeria) said that, despite some positive developments, racist attitudes had recently become sufficiently widespread and respectable in some countries to be represented in political forums. Racism now took new forms that affected social groups such as migrant workers - despite their considerable contributions to their host countries - asylum seekers, ethnic and religious minorities and indigenous populations. Should such expressions of racism continue to increase, they could give rise to social instability that went beyond national borders. The Governments of the States concerned should take concrete action to implement General Assembly resolution 48/91, in particular by instituting civil and criminal penalties. Fortunately, the international community had reacted vigorously in recent years to expressions of racism, as evidenced by the Declaration and Programme of Action of the World Conference on Human Rights and the Commission on Human Rights' 1993 appointment of a Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia

and related intolerance. In that connection, it would be most beneficial for the Special Rapporteur to work in close coordination with the other United Nations human rights bodies, particularly the Committee on the Elimination of Racial Discrimination (CERD).

50. On a related subject, his country continued to support the amendments to the International Convention on the Elimination of All Forms of Racial Discrimination under which members of CERD would receive emoluments from the regular budget, and hoped that they could be implemented soon.

51. The advent of a democratic, non-racial Government in South Africa meant that the first section of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination, Measures to ensure a peaceful transition from apartheid to a democratic, non-racial regime in South Africa, could and should be eliminated. The second section, Measures to remedy the legacy of cultural, economic and social disparities left by apartheid, should be maintained and augmented. The focus of the Third Decade should be on eliminating contemporary forms of racism. His delegation therefore supported the proposal that the Secretary-General should submit a detailed annual report on new forms of racism. By analysing all information received from United Nations bodies and specialized agencies, such a report would present the facts in a more homogeneous, effective manner. His delegation's proposals were admissible under paragraph 17 of General Assembly resolution 48/91, which invited the Secretary-General to submit proposals to the General Assembly with a view to supplementing the Programme of Action. He understood that any such proposals should be based on debate in plenary meeting.

52. Enforcement of the right of peoples to self-determination was a precondition for the realization of all other human rights; as long as some peoples remained under foreign domination, the United Nations would be unable to attain its goal of universal respect for human rights. The past year had seen progress in that direction in the Middle East, with the peace agreement between the Palestine Liberation Organization and Israel and the agreement between Jordan and Israel. His country hoped that those agreements would culminate in the restitution of all of the territories occupied by Israel since 1967, including Jerusalem, and by the establishment of a Palestinian State. He hoped further that the agreement with Jordan would mark the beginning of a process that would eventually satisfy the expectations of Lebanon and the Syrian Arab Republic. With respect to the question of Western Sahara, a referendum for self-determination in accordance with the settlement plan approved by Morocco and the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro (Frente POLISARIO) and confirmed by the Security Council would contribute greatly to the peace and stability of the region, and his country would spare no effort in promoting such a measure.

53. Mrs. PILOTO (Zimbabwe) said that the continuing decline of institutionalized racism was paralleled by a resurgence of other more daunting, elusive and subtle forms of racism. Bearing in mind the unreserved commitment needed to fight racism, her delegation was concerned that lack of resources would frustrate the mandate of the Special Rapporteur, thus presaging the

failure of the Third Decade to Combat Racism and Racial Discrimination and the ultimate demise of such decades.

54. While supporting the methodology outlined in the draft questionnaire submitted to the Commission on Human Rights by the Special Rapporteur, she stressed that non-governmental organizations should adequately reflect the racial composition of the societies concerned. The Special Rapporteur should also work closely with regional commissions with a view to acquiring a balanced understanding of regional differences and particularities, while the workshops he had proposed should be held only after all other methods had been exhausted.

55. Despite the progress achieved in the field of self-determination, the more powerful continued to subject the weak to subtle forms of interference and patronage, a practice which should be vigorously condemned.

56. In South Africa, the establishment of paramilitary machinery was an attempt to destabilize and blackmail countries of the subregion. She therefore urged the Special Rapporteur to continue his study of mercenary activity in that region and endorsed his view that the new South African Government should not allow such acts to go unpunished.

57. In conclusion, she hoped that everyone would strive for the genuine implementation of all international measures aimed at the elimination of all forms of racial discrimination and promotion of the right of all peoples to self-determination.

58. Mr. VALENCIA (Ecuador) summarized the report of CERD (A/49/18), of which he was a member, with particular emphasis on its activities with respect to the Federal Republic of Yugoslavia (Serbia and Montenegro), Croatia, Burundi, Rwanda, Israel and Papua New Guinea and its recommendation to establish an international tribunal to prosecute the perpetrators of crimes against humanity.

59. He reiterated that CERD could not fulfil its obligation to monitor the implementation of the Convention unless it received the reports required from the States parties under article 9 thereof. At the close of its forty-fifth session, it had not received 358 reports due from 122 States parties, and 19 States parties had never even submitted their initial reports. CERD depended on the cooperation of the States parties, which should be increased in three areas: timely submission of reports, active participation in the consideration of those reports and implementation of the measures recommended by CERD. In his country's view, such cooperation was all the more necessary given the upsurge in racism, racial discrimination and xenophobia in many countries, particularly in Europe.

60. Only 20 of the 139 States parties had made the declaration provided for under article 14 of the Convention, and the General Assembly needed once again to urge the remaining countries to follow their example. It should also urge them to ratify the amendments adopted at the Fourteenth Meeting of the States Parties in order to facilitate the functioning of CERD.

61. Mrs. WARZAZI (Morocco) began by expressing regret that the positive action taken to implement all relevant recommendations concerning the fight against racism had not been accompanied by a budget increase. She then reviewed the founding principles of the United Nations and charted its lengthy pursuit of the important objective of eliminating all forms of inequality, exclusion and dominance, which included racism and racial discrimination. Notwithstanding the huge victory represented in the dismantling of apartheid, the dramatic events of recent years had confirmed the overall failure of that endeavour, underscoring the fact that critical and objective analysis was crucial to the search for successful solutions.

62. The pernicious effects of colonialism were now visible, particularly in Africa. Having realized in the light of the genocides occurring in Rwanda and Bosnia that the International Convention on the Prevention and Punishment of the Crime of Genocide was ineffective, the Subcommission on Prevention of Discrimination and Protection of Minorities had recommended the adoption of a draft statute for an international criminal tribunal, as well as the establishment of a mechanism for implementing the Convention. It also sought a discussion on the possibility of widening the definition of genocide to include political genocide.

63. Numerous factors had combined to produce unprecedented numbers of migrants and refugees. Migrant workers were still subjected to discriminatory treatment and were used as scapegoats by the extreme right in those parts of Europe where racism and xenophobia were on the rise. Two years ago, the Subcommission had therefore requested the Commission of Human Rights to appoint a Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance. Her delegation hoped that he would receive every assistance to further his work in the field. It was also gratified to note that the critical situation confronting migrant workers had been condemned by some non-governmental organizations, and that a European initiative to combat racism, including the production of propaganda material, had been launched. In that respect, all reservations to article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination should preferably be removed as soon as possible; freedom of expression could clearly no longer be used as a smokescreen for the incitement of racial hatred. A recommendation had been made to convene, in 1997, a world conference against racism, racial and ethnic discrimination, xenophobia and related intolerance. Although influxes of migrants and refugees undoubtedly created problems for the host country, the fact that immigration was increasingly depicted as a scourge to be eliminated before it was too late provided fodder for the aggressive right-wing campaigns against migrant workers. The Governments concerned should therefore set goals for the reversal of that tendency by educating the public to accept cultural, ethnic and religious diversity with a view to promoting communal harmony and understanding.

64. Her delegation had always contributed to efforts to devise and implement programmes of action and recommendations aimed at guaranteeing equal treatment, non-discrimination and individual respect, regardless of race, origin or religion. Morocco's history demonstrated its concern to bring peoples and countries closer together, while the Moroccan people, which was deeply committed to Islamic precepts, was ever united in its respect for the diversity of human populations.

The meeting rose at 12.45 p.m.